

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHNNY JONES,

Case No. 3:21-cv-00030-MMD-CLB

Plaintiff,

ORDER

v.

JERRY HOWELL, *et al.*,

Defendants.

This matter is referred to the Court for the limited purpose of determining whether *in forma pauperis* status should continue on appeal. (ECF No. 14.) The Court certifies that any *in forma pauperis* appeal from its order of dismissal would be frivolous or would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). Jones’ complaint was dismissed because his claims appeared barred by *Nettles v. Grounds*, 830 F.3d 922 (9th Cir. 2016), *Preiser v. Rodriguez*, 411 U.S. 475 (1973), and *Heck v. Humphrey*, 512 U.S. 477 (1994). The Court’s screening order told Jones that it was not clear from his allegations if overturning the challenged disciplinary punishment would affect his release date. (ECF No. 5.) Jones was given an opportunity to amend to cure that deficiency. (*Id.*) He amended but did not cure the deficiency. The Court then gave Jones a second chance to amend with more guidance. (ECF No. 9.) The deadline to file the second amended complaint passed without any filing from Jones, and a few weeks later the Court dismissed and closed the case. (ECF No. 10.) There is no merit to, or novel question raised by, Jones’ appeal.

Jones’ *in forma pauperis* status should thus be revoked on appeal. See *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (finding revocation of *in forma pauperis* status is appropriate where the district court finds the appeal to be frivolous).

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1 The Clerk of Court is directed to transmit a copy of this order to the Court of
2 Appeals and then terminate the referral notice (ECF No. 14).

3 DATED THIS 16th Day of March 2022.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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